

APPROVED: Meeting No. 31-80

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 29-80

July 21, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday July 21, 1980 at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilman John Freeland

Councilwoman Phyllis Fordham

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry N. Blick; City Clerk Helen M. Heneghan; Assistant City Attorney Francis T. Lacey; Public Information Officer Sue M. Patterson; Director of Public Works Robert Goodin; Director of Budget Anna Lee Berman; Director of Recreation and Parks Ronald Olson; Director of Finance John Lawton; Director of Community Development and Housing Assistance Douglas Horne; Asst. City Manager Dan Hobbs.

Re: City Manager's Report

Mr. Blick reported the following:

1. He reminded the Mayor and Council of the Montgomery County Chapter of the Maryland Municipal League meeting which will be held Thursday in Gaithersburg. There will be speakers attending who will brief the Chapter on both sides of the beverage container legislation.
2. The traffic signals at the intersection of I-270 and West Montgomery Avenue will be connected next week. They will be on a flash system for three days, then on a normal cycle.
3. Mr. Blick introduced Ms. Heiman, who will be leaving to work in the Embassy of Belgium where she will be liaison with local governments and will transfer information to the United States from all local governments in Europe.
4. Mr. Blick introduced Barry Deutsch, new intern for the City from American University.

5. Last week the Lincoln Park Community said because of Metro construction the gates on Frederick Avenue were down when there were no trains in sight. After investigation it was found that B & O was working on the tracks causing this problem not Metro. A flag person will be there soon.

6. The Dawson Adams development has been named Heritage House and as of August 18, applications will be accepted for the townhouses. This will be open to those persons whose income is between \$9,700 and \$21,800 per year depending on family size. There will be an article in the City Newsletter to alert Rockville citizens and employees to this event.

Mayor Hanna asked why North Washington Street was blocked this evening. The Public Works Director explained that a traffic signal was malfunctioning and police attended the intersection as long as they possibly could and because of the hazard, the road was closed after that.

#### Re: Appointments

Mayor Hanna, with the confirmation of the Council, made the following appointments:

1. To the Alternative Community Service Commission, Murray Warner and Jane French
2. To the Cultural Arts Commission, Sharon Buchanan, one year as Chairman and reappointment for two years as a member.

#### Re: Award of Contract: Bid #54-80 Lubrication of City Vehicles

Bids were opened on June 24, 1980 at 3:30 p.m. for providing lubrication services to selected City vehicles.

For bid comparison, the cost reflected includes changing oil - including the oil, oil filter, and lubricating - including the lubricant.

<u>Vendor</u>	<u>4Qt/Filter</u>	<u>5Qt/Filter</u>
Geddes Texaco	\$ 9.95	\$ 9.95
Rockville Exxon	12.49	13.99
Twinbrook Shell	13.45	14.70
Flagship Exxon	14.20 (4 cyl)	16.00 (6 cyl) 16.50 (8 cyl)
Crouch Texaco	18.55	20.45
Looper Servicecenter, Inc.	31.40 + Filter	32.50 + Filter

As was discussed during the budget work sessions, this service is being contracted to outside vendors to permit City staff to better utilize their efforts to do required repairs and to do the preventive maintenance program. Staff is recommending the acceptance of the low bid of Geddes Texaco, as indicated above. The fund for this are provided under the budget guidelines for the Motor Vehicle Maintenance Division of the Department of Public Works.

Councilman Tyner asked if the staff had investigated the large spread in prices. Mr. Goodin explained that Texaco has been advertising the service at \$12.95 so it was expected to be low. The staff was quite surprised at the high bid.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 54-80 for the lubrication of City vehicles was awarded to Geddes Texaco in the amount of \$9.95.

Re: Award of Contract: Bid #58-80  
Water and Sewer in Rockville Estates

Bids were opened in the Council Chambers, City Hall, at 3:00 p.m., July 15, 1980 for water and sewer in Rockville Estates.

The bids were as follows:

Merkli-Lester, Inc., Haymarket, Va.	\$ 77,197.50
CF & B, Inc., Hyattsville, Md.	81,939.00
Concrete General, Inc., Rockville, Md.	85,637.50
Calcon, Gaithersburg, Md.	85,970.00
WF Wilson, Ellicott City, Md.	87,095.00
A. Lopez, Bladensburg, Md.	99,475.00
RAPP Contracting, Inc., Beltsville, Md.	101,440.00

The staff recommends an award to Merkli-Lester for \$77,197.50

Engineer's estimate	84,482.00
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On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 58-80 for water and sewer in Rockville Estates was awarded to the Merkli-Lester, Inc., in the amount of \$77,197.50.

Re: Award of Contract: Bid #60-80  
Bikeways, Welsh and Wootton Mill Parks

Bids were opened in the Council Chambers of City Hall at 3:00 p.m., July 8, 1980, for construction of asphalt bike trails at Woottons Mill Park and Welsh Park.

The bids were as follows:

Rapp Contracting, Inc., Beltsville, Md.	\$28,494.75
Marjak Paving Company, Inc., Gaithersburg, Md.	28,751.20
T. J. Company, Inc., Silver Spring, Md.	37,950.00
White Oak Construction Co., Inc. Silver Spring, Md.	43,301.25
Deneau Construction Co., Gaithersburg, Md.	43,483.00

This project consists of construction of asphalt bike trails at Woottons Mill Park (approximately 525 lineal feet of new path that will connect the existing path with Greenplace Terrace opposite Fallsmead Elementary School), and at Welsh

Park (includes approximately 1,110 lineal feet of new path that extends from Mannakee Street to Lynch Street and will connect the streets with the existing paths at Welsh Park). Both projects are funded with State Program Open Space funds which have been approved for a total budget of \$34,100. The staff recommends an award to Rapp Contracting, Inc. for \$28,494.75.

Councilman Tyner asked an explanation of the funding. Mr. Olson said that the ratio is 75-25 with the State Open Space grant providing the larger amount.

On motion of Councilman Tyner, duly seconded and unanimously passed, bid No. 60-80 for bikeways was awarded to Rapp Contracting in the amount of \$28,494.75.

Re: Award of Contract: Bid #61-80  
Smoothseal

Bids were opened for the Fiscal Year 1981 Smoothseal Contract at 3:30 p.m., Tuesday, July 8, 1980 in the Mayor and Council Chambers. Two bids were received as follows:

A.H. Smith, Rockville Md.	(\$29.60 per Ton)	\$229,781.00
F.O. Day Co., Inc., Rockville, Md.	(\$32.48 per Ton)	\$250,935.80
Engineer's Estimate	(\$33.50 per Ton)	\$258,985.00
Budget Estimate	(\$42.00 per Ton)	\$349,244.00

Smoothseal is a thin (1/2" to 3/4" thick) asphaltic concrete overlay which restores the water seal, skid resistance and aesthetic qualities of our streets. Sewer manholes and water valve boxes in streets are adjusted by the contractor to give a smooth and level surface. Smoothsealing is repeated approximately once every ten years.

The budget estimate was calculated in the Fall of 1979 based on \$42.00 per ton. This estimated price was based on Smoothseal prices received in June, 1979 and adjusted for increases in oil price and inflation.

In Fiscal Year 1978, 1979 and 1980 a Smoothseal contract was bid in Spring and completed in Spring of the year. Prior to that contracts were bid in the Fall for Fall work.

The Fiscal Year 1980 Smoothseal program was bid in May, 1980 at which time the low bidder, also A. H. Smith, bid \$33.50 per ton. Because of this favorable bid, we expedited the Fiscal Year 1981 Smoothseal Program to take advantage of current prices instead of waiting for Spring 1981 as would have been our practice. Our recent bid then came in at \$29.60 per ton or nearly \$4.00 per ton (12%) less than was bid just two months previously, and \$12.50 per ton (30%) less than our original estimate.

The contract specifies 7,460 tons of asphaltic concrete to be laid - but our contract also contains a provision giving the City the right to increase estimated quantities up to 25% at the same unit prices. Therefore, we would be able to do 9,325 tons of Smoothseal work at the low bid price. To take advantage of this favorable bid will require that our own City crews accomplish an additional 25% of minor maintenance of streets ahead of the Smoothseal contractor and, also, that utility companies coordinate their work with our proposed expanded program.

This very favorable bid suggests that it is worth delaying some other repair and maintenance work and special requests to take advantage of the favorable bid price.

Staff recommends that Mayor and Council award the contract to the low bidder, A. H. Smith, for \$229,781.00 and that the staff be authorized to extend the contract to an amount not exceeding 25% to Smoothseal additional streets.

Mayor Hanna noted that he is delighted at this low bid showing that the City is benefiting from the construction slowdown.

On motion of Councilman Abrams, duly seconded and unanimously passed, bid No. 61-80 for Smoothseal was awarded to the A. H. Smith Company for \$229,781.00 and the staff was authorized to extend the contract in an amount not exceeding 25% to smoothseal additional streets.

Re: Approval of price adjustment for  
bronze casting for Civic Center

After contacting nine relatively nearby companies, which Mr. Calfee and the purchasing agent knew could perform bronze casting, only one, the Modern Art Foundry, could perform the size free form work required for the sculpture.

Mr. Calfee was just beginning to construct the actual reliefs when, based on drawings, size specifications and descriptions, the Modern Art Foundry quoted a price of \$16,594.50 for bronze casting the four wax reliefs. During the course of constructing the wax reliefs Mr. Calfee decided to strengthen the back of one of the reliefs where the relief would fasten to the brass structure of the sculpture. Because the reinforcing or building up of the back would make it more visibly prominent, he added texture to it. This reinforcement and texture added to the bronze needed to cast the relief.

Mr. Calfee also changed one of the four reliefs from wax to plaster which would give it a different, sharper quality than the other three reliefs when it is cast; however, casting from plaster is more time consuming and costly than from wax.

The foundry was notified of the changes and it was agreed that before any revision of casting costs were made that the reliefs should be inspected by the foundry. Upon inspection the foundry revised its quote from \$16,594.50, which the Council approved in February of 1980, to \$19,400.00.

It is the staff's opinion that the Modern Art Foundry should be awarded a new contract for the revised amount of \$19,400. Sufficient funds exist in the project budget to cover the increase at this time.

Councilwoman Fordham asked Mr. Calfee if he knew when the project would be completed. Mr. Calfee said he is hoping for October, but that is not definite. Councilwoman Fordham asked that some provision be made so that the citizens can see the artist at work whether it be on the scene or by picture.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the staff was authorized to award a new contract for the revised amount of \$19,400. to the Modern Art Foundry.

Re: Adoption of Ordinance: To Amend  
Section 11-1.01A of Chapter 11 of  
the "Laws of Rockville", entitled  
Traffic, Vehicles and Transportation,  
to provide penalties for misuse of  
visitors' passes in parking permit  
areas.

Ordinance No. 24-80

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 24-80, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council providing penalties for misuse of passes in parking permit areas, was adopted by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council. There being no citizen wishing to be heard, the Mayor and Council closed the Citizen's Forum portion of the meeting.

Re: Report of Civic Improvement Advisory  
Commission on Business/ Beautification  
Survey.

Frances Manderscheid, the Chairman of the Civic Improvement Advisory Commission and Commission member Barbara Lynch addressed the Mayor and Council and highlighted the survey. The Council asked that a newsletter article be prepared on the results of the survey and the Chamber of Commerce contacted about the survey. Ms. Manderscheid told the Council that Commission member and State Delegate Forehand was prepared to assist the Commission in pursuing sign legislation at the State level. The Mayor and Council thanked the commissioners for attending the meeting this evening and the extensive work done on the survey.

Re: Approval of joint agreement with WSSC  
to meet EPA requirements

The Federal Environmental Protection Agency has recently established rules concerning the pre-treatment of certain wastes that flow into publicly owned sewage treatment plants. Objective of the program is to pre-treat (or eliminate) wastes which would not be adequately handled by the treatment plants.

The EPA has now identified 129 specific toxic wastes (such as cadmium) which cannot be discharged into the treatment system unless the content is below a certain percentage.

The EPA has ordered cities and treatment districts to identify processes and chemicals used by industries in the city or district limits and to analyze waste water discharges from these industries. To this end, the EPA has provided grant monies which, in connection with State of Maryland funding, could account for up to 87.5% of the total cost of industrial waste monitoring.

If the City were to join with WSSC it would join in the present grant application and the proportionate cost to the City would be a one-time cost of between \$10,000 and \$15,000 after taking into account grant funding. Were the City to do it alone, then the City would not be able to take advantage of the WSSC grant application presently ongoing, but would start a new grant application.

Staff recommended that Mayor and Council authorize the City to join with WSSC in complying with this new EPA requirement at a cost to the City not exceeding \$15,000.

Councilman Tyner asked where the funding would come from. Mr. Blick said the funds could be taken from the sewage disposal account. Councilman Abrams asked how many businesses might be involved. Mr. Goodin said about 50. He explained to Mr. Abrams the purpose of the survey which is to examine industrial establishments to check on toxic wastes with the objective of finding which ones might break down.

In answer to Mr. Tyner's question, Mr. Goodin assured him that it would be a one-time cost.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the staff was authorized to join with WSSC in complying with the EPA requirements at a cost not to exceed \$15,000.00.

Re: Authorization for City Manager  
to execute agreements with local  
banks for Home Improvement Loans  
and grants under CDBG.

Below are charts which show the present and proposed data for loans. There is a substantial increase in city contributions necessary to subsidize the principal amount of a loan due to the higher interest rates.

PRESENT RATES: LOAN AMOUNT = \$7,500.

<u>INCOME</u>	<u>INTEREST</u>	<u>LOAN AMOUNT</u>	<u>CITY CONTRIBUTION</u>
\$ 7,501-12,500	0%	\$5,250	\$2,250 (30%)
\$12,501-16,500	3%	\$5,775	\$1,725 (23%)
\$16,501-22,000	6%	\$6,060	\$1,500 (20%)
over \$22,000	8%	\$6,150	\$1,350 (18%)

PROPOSED RATES: LOAN AMOUNT = \$7,500.

<u>INCOME</u>	<u>INTEREST</u>	<u>LOAN AMOUNT</u>	<u>CITY CONTRIBUTION</u>
\$ 7,501-12,500	0%	\$4,050	\$3,450 (46%)
\$12,501-16,500	3%	\$4,650	\$2,850 (38%)
\$16,501-22,000	6%	\$5,250	\$2,250 (30%)
over \$22,000	8%	\$5,700	\$1,800 (24%)

Given \$260,000 as the allocation for this year, and assuming a two (2) grants to one (1) loan ratio, staff should be able to assist fifty-one (51) families.

Staff recommends approval of the following changes:

1. Increase the interest rate from a maximum of twelve (12) percent to a maximum of sixteen (16) percent.
2. Reduce the number of days delinquent on a loan for pay-off from ninety (90) to seventy-five (75).
3. Revise the effective day for negotiation of the agreement to June 30, 1981.

The Council discussed the workings of the program with Mr. Radauskas of the Licenses and Inspection Department.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Council approved the following changes:



1. Increase the interest rate from a maximum of twelve percent (12%) to a maximum of sixteen percent (16%).
2. Reduce the number of days delinquent on a loan for pay-off from ninety (90) to seventy-five (75) days.

3. Revise the effective day for negotiation of the agreement to June 30, 1981.

Councilman Freeland noted that a list of persons receiving loans and grants showed fewer than ten percent were registered voters. He asked the staff to look into it and give thought to getting those people registered. Mayor Hanna agreed and said it would be interesting at some time to have a public hearing on whether or not the citizens should get benefits from the City if they are not registered voters.

Re: Baltimore Road Guard Rail Capital  
Improvement Review.

Included in the current 1981-1986 Capital Improvements Program is the Baltimore Road guardrail (authorized during the last fiscal year) with a provision of \$19,000 for construction. The current CIP budget indicates the status as "awaiting neighborhood and urban design input."

This spring design was going forward and in April the ten residents along the block of the proposed project were asked their opinion as to whether they would prefer the ordinary galvanized steel type guardrail or a guardrail constructed of a steel called "Cor-Ten."

In response to that letter the City received seven responses, three of which indicated a preference for a guardrail of Cor-Ten steel but four of which indicated that they did not want any guardrail.

The City then wrote back to all residents noting that the guardrail was originally requested by parents whose children use the sidewalk to go to and from school and that the Mayor and Council following meetings and public hearings last year, provided for the guardrail in the Capital Improvements Budget.

On Monday, July 7, a petition was received signed by six of the ten residents in the block objecting to the guardrail.

Staff recommends that the City not proceed with the guardrail installation and that the local civic association be informed of that decision.

The Council discussed replacement of the guardrail. Councilman Freeland suggested that the area near the park might be the section that needs the rail. Mr. Goodin explained that there is no incidence of problems in that area. Councilman Freeland suggested that the staff look at that particular area again. Mayor Hanna agreed and asked that a report be brought back to the Council.

On motion of Councilman Freeland, duly seconded and unanimously passed, the staff was instructed not to proceed with the guardrail installation but to await informing the local civic associations until a report is sent back to the Council on the problem areas.

Re: Review and Approval of 100% plans  
for landscaping of the Twinbrook Metro  
Station facilities

Mark Papa, urban designer for the City, briefed the Council and with sketches showed the proposed landscaping. The Council reviewed the staff's recommendation on the plans and asked that more information be given to the Council on the elevation of the berms and the light design. The standard of light fixtures used and design are very important and more essential than the number of lights that affect the intrusion into the neighborhood. A good deal of time was spent discussing the height of the fence around the dry pond and whether it would be 4 1/2 or 6 feet. Council finally agreed to the 4 1/2 foot fence with Mayor Hanna disagreeing. On motion of Councilman Tyner, duly seconded and unanimously passed, the Council agreed that the letter would be amended to include the questions on the berms, the design of the light standards, the trees along Chapman Avenue, and the sidewalk to accommodate bicycles.

Re: Review and approval of 30% plans for  
Rockville Metro Station overpass

Mr. Mark Papa showed the Mayor and Council a model of the overpass that will be placed on Route 355 extending from the Rockville Mall to the Metro Station. Council brought up the possibility of opening the bridge since the enclosed design was unappealing. Mayor Hanna requested that the staff look into a waiver so that an open bridge might be placed there. Councilman Tyner moved, duly seconded that the letter to metro indicating approval of the 30% plans be sent. The motion passed, all Councilmembers voting aye, Mayor Hanna voting nay.

Re: Correspondence

The Mayor and Council noted the following items of correspondence.

1. J. Rogers, re citizen participation plan.

Re: For your information

1. Copy of Lincoln Park Community Newsletter.

Councilman Tyner noted his delight at the newsletter and the fact that the community will be holding another community day.

2. Copy of letter from Moody's re City's bond rating.
3. Status report on Solid Waste Management Activities.

Re: New Business

1. Councilman Freeland noted a water problem existing at the intersection of Route 355 and College Parkway that is possibly some type of a leak and asked the staff to look into it.

2. Mayor Hanna asked the staff to bring back a report to the Council on the four or five homes on West Montgomery Avenue that were zoned O-2 in the recent comprehensive rezoning of the Town Center. The tax impact on the homeowners did not occur to the Mayor and Council at the time. He asked that the staff investigate the possibility of the tax coming due when the property changes hands since at least two of the residents have no immediate intention of selling. Councilman Freeland agreed and asked that the staff look into the property owners be given the benefit of circuit breaker legislation even though the rezoning occurred in the last year.

Re: Approval of minutes  
Meeting No. 26-80, June 19, 1980

On motion of Councilman Tyner, duly seconded and unanimously passed, the minutes of meeting No. 26-80, June 19, 1980 were approved as written.

Re: Executive Session

On motion of Councilman Tyner, duly seconded and unanimously passed, the meeting was closed at 9:55 p.m. for executive session to discuss property disposition.

Re: Adjournment

There being no further business to come before the Council, the meeting was adjourned at 11:15 p.m. to convene again in general session on Monday, July 28 or at the call of the Mayor.